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19 ENGINEERING & MANUFACTURING NORTH
20 AMERICA, INC., AND TOYOTA MOTOR SALES,
21 U.S.A., INC.

22 **UNITED STATES DISTRICT COURT**

23 **CENTRAL DISTRICT OF CALIFORNIA - SOUTHERN DIVISION**

24 IN RE: TOYOTA MOTOR CORP.
25 UNINTENDED ACCELERATION
26 MARKETING, SALES PRACTICES,
27 AND PRODUCTS LIABILITY
28 LITIGATION

CASE NO: 8:10ML2151 JVS (FMOx)

This Document Relates To:
CASE NO: SACV 10-00557 JVS (FMOx)

RYAN SCHARREL, SUSAN
KRUSCHKE and ENRIQUE
MORENO,

Plaintiffs,

v.

TOYOTA MOTOR NORTH
AMERICA, INC., TOYOTA MOTOR
ENGINEERING &
MANUFACTURING NORTH
AMERICA, INC., and TOYOTA
MOTOR SALES, U.S.A., INC.,

Defendants.

CASE NO: SACV 10-00557 JVS (FMOx)

**STIPULATION OF DISMISSAL
WITHOUT PREJUDICE**

**[FILED CONCURRENTLY WITH
[PROPOSED] ORDER FOR DISMISSAL
WITHOUT PREJUDICE]**

COMES NOW Plaintiffs Ryan Scharrel, Susan Kruschke and Enrique Moreno, and Defendants Toyota Motor North America, Inc., Toyota Motor Engineering & Manufacturing North America, Inc. and Toyota Motor Sales, U.S.A., Inc., by and through their undersigned counsel, and stipulate to the dismissal of the above-styled action without prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii). Each party shall bear their own costs.

Respectfully submitted this ____ day of May, 2010.

DATED: May 28, 2010

SETH A. KATZ
DANIEL E. MCKENZIE
MICHAEL S. BURG
**BURG SIMPSON ELDREDGE HERSH
& JARDINE**

/s/

Seth A. Katz
Attorneys for Plaintiffs RYAN SCHARREL, SUSAN KRUSCHKE, and ENRIQUE MORENO

DATED: ~~May~~ JUNE 23, 2010

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PROOF OF SERVICE

I, Cynthia A. Chapman, declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Alston & Bird LLP, 333 South Hope Street, Sixteenth Floor, Los Angeles, CA 90071. I am over the age of eighteen years and not a party to the action in which this service is made.

On June 23, 2010, I served the document(s) described as **STIPULATION OF DISMISSAL WITHOUT PREJUDICE** on the interested parties in this action by enclosing the document(s) in a sealed envelope addressed as follows: **See Attached Service List**

☒ **BY MAIL:** I am "readily familiar" with this firm's practice for the collection and the processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, the correspondence would be deposited with the United States Postal Service at 333 South Hope Street, Los Angeles, California 90071 with postage thereon fully prepaid the same day on which the correspondence was placed for collection and mailing at the firm. Following ordinary business practices, I placed for collection and mailing with the United States Postal Service such envelope at Alston & Bird LLP, 333 South Hope Street, Los Angeles, California 90071.

☐ **BY FEDERAL EXPRESS** ☐ **UPS NEXT DAY AIR** ☐ **OVERNIGHT DELIVERY:** I deposited such envelope in a facility regularly maintained by ☐ **FEDERAL EXPRESS** ☐ **UPS** ☐ **Overnight Delivery** [specify name of service:] with delivery fees fully provided for or delivered the envelope to a courier or driver of ☐ **FEDERAL EXPRESS** ☐ **UPS** ☐ **OVERNIGHT DELIVERY** [specify name of service:] authorized to receive documents at Alston & Bird LLP, 333 South Hope Street, Los Angeles, California 90071 with delivery fees fully provided for.

☐ **BY FACSIMILE:** I telecopied a copy of said document(s) to the following addressee(s) at the following number(s) in accordance with the written confirmation of counsel in this action.

☐ **BY ELECTRONIC MAIL TRANSMISSION WITH ATTACHMENT:** On this date, I transmitted the above-mentioned document by electronic mail transmission with attachment to the parties at the electronic mail transmission address set forth on the attached service list.

☐ [State] I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ [Federal] I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 23, 2010 , at Los Angeles, California.


Cynthia A. Chapman

*Scharrell, et al. v Toyota Motor North America, Inc.***Case No.: SACV 10-00557 JVS (FMOx)****SERVICE LIST**

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